

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WILLIAM I. BABCHUK, M.D. and)
WILLIAM I. BABCHUK, M.D., P.C.)
doing business as COMPREHENSIVE)
MEDICAL IMAGING,)

Plaintiffs,)

vs.)

Case No. 1:13-cv-01376-JMS-DML

INDIANA UNIVERSITY HEALTH,)
INC., INDIANA UNIVERSITY HEALTH)
TIPTON HOSPITAL, INC.,)
MICHAEL L. HARLOWE,)
JOELLEN SCOTT,)
CARL M. PAFFORD,)
DIANNA ANDREWS,)
KEVIN W. CONDUCT,)
MICHAEL E. HARPER, and)
RICHARD J. YOUNG,)

Defendants.)

Report and Recommendation

The plaintiffs have failed to comply with the Local Rules, the parties' protective order, and specific court orders in making their summary judgment filings. This carelessness has (1) required an inordinate amount of the court's time to address the incorrect filings (*see* Dkt. Nos. 113, 118, 121, and 129); (2) required the defendants to act to remedy filings made that do not comply with HIPAA or the parties' protective order; (3) exposed protected information on the public docket; and (4) cluttered the docket with a confusing array of duplicative and cumbersome

filings that the court will have to wade through when considering the motions for summary judgment.

Plaintiffs' counsel cannot claim to have been unaware of the gravity of the court's concern about these filings. It held a status conference to address them, during which the magistrate judge explained the errors, followed by detailed filing instructions in written orders. Yet the plaintiffs' filings of February 9, 2015, have continued and exacerbated the errors.¹

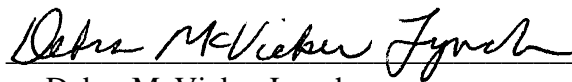
The magistrate judge recommends that the presiding judge enter a sanction against plaintiffs' counsel in the amount of \$800.00, half of which is to be paid to defendants (through their counsel) and half of which is to be paid to the Clerk of this court.

Any objections to this report and recommendation must be filed with the court in accordance with Fed. R. Civ. P. 72 and 28 U.S.C. § 636(b)(1) within 14 days of service. Failure to object will result in waiver of objection or appeal of the issues addressed in this report and recommendation.

Payment must be made within seven days of a court order adopting this report and recommendation.

So ORDERED.

Dated: February 10, 2015



Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

¹ The plaintiffs later moved to strike these filings, but not before the court was required to spend time sorting out the problems and preparing its own order sealing and striking the filings.

Distribution:

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